

Town of Richmond
Planning Board Public Hearing
December 1, 2020 7:00 PM Veterans Hall

Members Present:

Stacie Maillet (Chairman)
Lloyd Condon (Vice Chairman)
Doug Smith (Secretary)
Eric Duda
Seth Reece
Doug Bersaw (Selectman's Rep.)
Jed Butterfield (Alt.)

Members Absent

Jason Macdonald
Butch Morin (Alt.)

Public: Susan Harrington, Kevin Fadden (ITW), Attorney Hoppock (Richmond), Richard Drew, Ann Hamilton, Susan Taylor, Jeff Taylor, Elizabeth Pursell, Attorney Steven Grill (ITW), Kevin Delaney (ITW), Attorney Shayna Galinat (ITW), Rick Voci (ITW), Jim Harper.

Meeting called to order at 7:06 PM.

Jed Butterfield seated for Jason Macdonald.

1. Public:

No one from the public.

2. Proposed cell tower application:

Hearing called to order at 7:06 PM. Vice Condon recused himself and left his seat.

The proposed application is for a 175' lattice tower located at 323 Fitzwilliam Road (Rt. 119), Map 407 Lot 95 owned by Jeffery and Susan Taylor is a total of 24.5 acres. Presently the location is home to a seasonal Christmas Tree Farm and is located in the Richmond Residential District. Industrial Tower and Wireless, LLC (ITW) located in Marshfield Mass. have teamed together with the applicant Jeff Taylor to lease a 100 X 100 ft. area with a 25-foot access and utility easement to install a commercial wireless communications facility.

Chairman Maillet discussed how the hearing would be run and asked for consideration and patience. A;; questions from the public would be answered at the end of their presentation. Maillet asked for Eric Duda who reviewed the application to share his findings. Duda shared with the board that to the best of his knowledge the application was complete according to the criteria in the Richmond Site Plan Review Regulations. The application was reviewed by Lisa Murphy from Southwest Regional Planning Commission (SWRPC) and she agreed the application is complete according to the Richmond Site Plan Review Regulations.

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Motion made by Eric Duda to accept the application as complete. Seconded by Seth Reece. All in favor. None opposed. Motion carries.

Chairman Maillet invited the applicant ITW to do their presentation. ITW presented a power point to give the board and public a better understanding of the area and what is presently there. The condition of the present access road through the property taken in multiple locations. The existing roadway is 10-12 feet in width and ITW will upgrade any areas less than 12 feet to and clear 18 feet to accommodate a 100-foot centerline radius for large vehicles.

ITW included photos of the proposed site and the present drainage with culverts presently installed. The proposed site is located in a dense area of vegetation and excising trees, it is the belief of the applicant that the tower will not be seen by abutters or from Rt.119 due to location and the dense natural vegetation.

Discussion on the path and direction for utility lines to the facility starting on Rt. 119 and going in 2 poles that are presently in place. Some poles will be added along the tree line. Toward the end of the utility line they lines will go underground depending the soil and ledge. No blasting will take place.

Discussion on the Lattice style tower to help reduce the impact and galvanized grey steel to blend in with the sky. The nearest property line is 222 feet and is owned by the application Jeff Taylor. The next nearest to the property line is more than 352 feet.

Discussion on several examples of towers ITW has installed and that ITW does all of the work. From foundation, excavation and concrete work to the electrical. ITW has a department to handle the tower erection and technicians at the tower are ITW staff. Maintenance and landscaping and after care will be taken care of by ITW employees. ITW wanted to be clear that they have a warehouse and second satellite office located in Dunbarton, NH. so, all work would be locally done. ITW would work closely with the carriers on the tower to insure proper installation and servicing of equipment.

ITW discussed the site plan check off list and requested some waivers. There are numerous, this is not a facility that will be require any on site employees and it will require limited maintenance and a repair crew.

IV. Submission Requirements:

B4 Original on mylar in permanent ink, ITW requested to provide the mylar for the final approved plan.

V. Required Exhibits and Data:

F. The size and location of the proposed water supply and sewage facilities. There will be no water or sewage on the proposed site. The site will not have anyone at the location on a regular basis.

G. Solid Waste disposal facilities. No solid waste disposal containers are required, company policy, what goes in must come out with you.

H. Location, elevation a layout of catch basins and other surface drainage features. There are no catch basins proposed as existing drainage swales are already In place.

J. The type, extent and location of existing and proposed landscaping and open space areas. No additional landscaping or open space are proposed given the naturally existing vegetation and landscaping conditions in the area

L. Size and location of Public service connections. There will be no water or sewage facilities.

M. Location and types of lighting for all outdoor facilities. FAA Determination of No Hazard to Air Navigations. Request for ground lightning details. Ground lightning is not presently contemplated.

Q. If a subdivision all Subdivision Regulations shall apply. Waiver as this is not a subdivision.

U. Flood Hazard Areas per XIV of this regulation. Waiver request for the proposed site lies outside of the 100- year flood plan.

VII Buffers:

B. Plan submitted showing locations and types of vegetation to be retained and established. Waiver request there is over 250 feet of natural existing vegetation between the compound and closest abutting property. No vegetation buffer is being offered.

VIII. Screening:

No waiver requested.

IX Parking, Loading and Pedestrian Safety:

- 1. Shelter for Children at the bus stops.** Waiver this does not pertain to the proposed cell tower.

X. Erosion and Sedimentation:

F. Include drawings, details and specifications for proposed flood hazard prevention. Waiver requested ITW is not proposing any significant increase in impervious surfaces.

XL. Illumination:

XIV. Flood Plain Hazard

A. Waiver request for 1-4, this is not determined to be a flood plain.

A short presentation was given on the proposed site. This is a 25-acre parcel, the tower sit back off of Fitzwilliam Road (Rt. 119) by 1100 feet. The nearest abutter, Map 407 Lot 96 at 222 feet, the next closest is Map 407 Lot 94-4 at 352 feet. The utilities will come in from Rt. 119 to the tree line and run the tree line with a 25-foot easement the line will eventually go underground to finish the distance to the compound location.

Wetland delineation was performed on November 20, 2020 and was flagged by a NH Certified Wetland Scientist. There is no change from the first delineation. Compound, tower and utility area have been marked

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for a site walk. Compound will be 80 X 80 fenced in with chain link fencing 8 feet in height. There will be no lights and the tower will have 5 areas for future carriers.

After ITW's presentation Chairman Maillet asked if there were any questions from the Planning Board members.

Jed Butterfield asked for the floor.

Butterfield noticed the diagram of the tower was in great detail. Are there plans in the future for growth? Delaney explained at this time they were able to accommodate five networks and the area can handle the equipment needed. They could pour for future pads when they come. There will be no change to the tower itself just from time to time the equipment.

Doug Bersaw asked for the floor.

Bersaw asked about the power coming in from the road and having the overhead lines.

Delaney said yes there would be overhead lines for about three quarters of the way and then the lines would go underground for the last roughly one quarter of the way to the compound.

Bersaw wanted to know with the power coming from the street overhead in the forest who would maintain the lines?

Delaney said that ITW would be responsible for maintenance of the lines.

Bersaw asked why they don't go underground all the way?

Delaney said that ledge prevents that from happening.

Bersaw asked if there would be any wetland impact at all?

Delaney said there were no wetlands at all.

Bersaw asked how many towers do you maintain?

Delaney said many about 175.

Bersaw wanted to know how many cell tower fires ITW have had?

Delaney said the fires are from unqualified people and they typically happen on monopole towers, The pipe catches on fire. ITW has not experienced any fires at this time on lattice towers.

Bersaw asked if there would be any fire suppression on the tower?

Delaney said it could be possible but he has never seen them. There will be no water on the site for any type of fire suppression. Delaney went to explain the Monopole is filled with insulation that will burn on the interior not the exterior. That is how a cell tower will burn.

Seth Reece asked for the floor.

Reece mentioned that the local Fire Department would respond and would ITW offer to give some classes more on the rescue side?

Delaney said yes that they have been asked in the past and would be willing to consider some kind of classes for the Fire Department and Rescue.

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Doug Smith asked for the floor.

Smith asked about spills from the generator and how would that be handled?

Delaney said the generator would have a hospital grade muffler and be run on propane. There would be no spills or leaks. Delaney went on to explain that there would be a crew on site for cleanup before anything could happen.

Stacie Mallet took the floor.

Chairman Maillet asked if they would monitor remotely from a different location?

Delaney said yes, there would be equipment for monitoring the area.

Doug Smith asked for the floor.

Smith asked if a spill kit would be located on site?

Delaney said that there really isn't a spill kit for propane.

Doug Bersaw asked for the floor.

Bersaw mentioned that the driveway would be 12 feet wide accessible to site for Public Safety and a turnaround for larger vehicles? Will this be plowed year-round?

Delaney said no that plowing in the winter would be on an as needed basis. Sometimes snow machines or snowcat's are used to get to the site.

Bersaw asked what would happen if a kid gets in and climbs the fence and gets hurt?

Delaney said that at some point kids and parents have got to take some responsibility. The ladder to start the climb is 10-12 feet off the ground before the lattice begins, so that would be a task in itself. ITW has never had a problem in the past.

Chairman Maillet took the floor

Maillet asked if the existing drainage would be upgraded?

Delaney responded that not at this time. The present drainage is very adequate and was put in well with 6-inch crushed stone.

Maillet asked if the propane generator is used on a regular basis?

Delaney said that the generator is tested once a week for 30 minutes and that is done remotely.

Doug Smith asked to take the floor.

Smith asked if there was a waiver for ground lighting and what would they use?

Delaney said there would be no lighting on ground level. Emergency lighting is set on motion detection when needed.

Doug Bersaw asked to take the floor

Bersaw asked about lightning strikes and how would it affect the area?

Delaney said that the tower has an extensive grounding system they have not had a tower suffer from a lightning strike.

Doug Smith asked to take the floor.

Smith asked if they planned to have spill kits, fire extinguishers, first aid kits to stop bleeding on site?

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Delaney said there would be no problem with first aid and all employees that would be on site have a list of the closest hospitals. He went on to say that more than one ITW employee would be doing the maintenance and landscaping.

Smith asked about ice on the tower and what is the experiences with that? This is a Christmas Tree Farm and members of the public would be on site at times.

Delaney said that ice usually falls within the towers 100 X 100 fenced in area and that is only during an extensive ice event.

Doug Bersaw asked to take the floor.

Bersaw asked to think about the town and teenage boys climbing the tower.

Delaney said that the lattice doesn't start for 10-12 feet before they hit the lattice. They would need a ladder to reach the lattice to start the climb upward. Delaney continued that there is a climbing alarm that would notify that it's being accessed.

Doug Smith asked to take the floor.

Smith asked if there would be cameras on site.

Delaney said there are none proposed.

Smith asked how often do teenagers bother the towers?

Delaney said it's usually kids out drinking and they hang out but they've never had issues with climbing the towers.

At this time there were no more questions from the board and Chairman Maillet asked for members of the public who were for the proposed application.

Richard Drew, 266 Tully Brook Road, Richmond asked for the floor.

Drew discussed the lack of cell service in many areas in town. He continued that he was working on the boundary lines for the Town of Richmond on the East side along Tully Brook with two other men. One of the men fell and broke his ankle. Without cell service one of them walked out to where they could use a cell phone and call 911. By the time they got the man to the ambulance it took about 5 hrs. Point he was making is that cell coverage is important anywhere in NH. When he's been dealing with folks thinking of buying a home in town their first question is how is the cell service? The town must move forward. He mentioned he was glad to hear the board ask questions about health and safety.

Lloyd Condon, Morgan Road, Richmond asked for the floor.

Condon asked the board to consider a bond for the tower to be dismantled after the first year if there are no carriers.

Delaney said that a bond hasn't been mentioned but what conditions would the board like and this is something they could discuss. The one year to have carriers was a condition of the Zoning Board of Adjustment.

Condon asked if the Fire and Sheriff's Department could secure space on the tower for their antenna.

Delaney said that the Fire Department was fine but not the Sheriff's Department unless they purchased the space. They cover the entire county and don't only service Richmond.

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Condon continued that he has no cell service where he lives on Morgan Road.

He mentioned that the hospital grade muffler are extremely quiet. But, that it would be no different than when the power goes out in town and everyone used their generators.

Condon asked if there would be a whistling noise from the wind with the tower and would baffles be installed?

Delaney said he's never had a complaint about whistling from any of the past towers they have installed.

Condon said that this cell tower was desperately needed in town and being able to see it is a concern. Most people in town didn't know we already had a cell tower in town until they attended the Zoning Board of Adjustment Hearing.

At this time there were no further members of the public to speak in favor or the project. Chairman Maillet ask for members of the public who are not in favor the tower.

Ann Hamilton, 37 Monument Road, Richmond.

Hamilton said that she and her husband and two boys age 9 and 4 built their home 14 years ago. Hamilton continued that she felt her family would be the most adversely affected by the proposed tower. They would most likely have no choice but to move if the tower is passed.

Hamilton's first concern was the public hearing and why it was not on the town website. Why there is never an agenda posted? Residents should know ahead of time when meetings and hearing are going to happen. Hamilton mentioned zoom and wanted to know when the town would start to use it. She felt it seemed shady not to post it or was it better to leave the residents in the dark?

Maillet said that the abutters letters were sent out 10 days prior to the meeting, it ran in the Keene Sentinel in the legal section and it was posted in 3 spots in town. Attorney Hoppock explained that's what the State Statute requires and the statute was followed.

Hamilton asked if the Planning Board follow our Town's Ordinance. Under 101 purpose, "To promote the health, safety, and welfare of the inhabitants". She continued that her family doesn't feel that theirs are being protected. Nor are fellow Richmond residents, and the general public's health, safety, and welfare is being protected.

Hamilton talked about the final report of the commission to study the Environmental and Health Effects of Evolving 5G Technology states on page 100. "Best engineering practice would therefore apply a set-back requirement for new cellular towers, including 5G micro-towers. The set-back for all new cell towers should be 500 meters which translates to 1,640 feet."

Hamilton made the point that the proposed tower was 925 feet from their home. With the study it puts this tower roughly 715 feet to close to her home per the new recommendations.

Hamilton wanted to remind the Planning Board that she and her husband submitted letters from local real estate brokers stating that our property value will likely decrease due to the cell tower. Hamilton said that Mr.

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Grill lied to the ZBA telling them that property values are no a basis to deny the applicant according to Federal law.

Hamilton continued asking ITW how they determine the best site for the proposed tower? In her opinion remote doesn't mean in someone's backyard. Remote is not having the fall zone abutting a Christmas tree farm where the public could be injured or killed by unpredictable flying ice.

Hamilton asked ITW how they knew the owner of lot 407-94-03 wasn't interested. Can you tell me the owner of the property? She continued that the owner is she and her husband. She continued that ITW claims that the applicant's property is the best choice when two properties are a minimum of 352 feet from the proposed site. She felt that if they were contacted that their property would have been better sites. Properties that don't already have a retail business and residence on it. The site already has electricity running to it so it would be less invasive to run lines.

Hamilton addressed sheet 3, it shows an ice bridge. She asked to have the ice bridge explained to her. Is this so the unpredictable ice can fly off the tower into an unknown number of feet or in any direction? Hamilton asked who would be responsible if anyone was injured.

Hamilton had a question on the propagation maps. Yellow represents -84 dBm and cyan represents -87 dBm. She asked if she was correct every 3 db increases doubles the signal strength? On the propagation map the yellow area would double the signal of the cyan area. Also, what is the threshold signal strength level for in building/residential for reliable functioning?

Hamilton continued with an article from the Center for Municipal Solutions propagation maps which states that propagation maps can be manipulated for the desired result. On ITW's propagation maps in yellow meaning "Great Service" ITW stated that they used 7 towers in and around the Town of Richmond. ITW assumes that US Cellular, T-Mobile, Verizon and AT&T were present on each tower. Old Turnpike Road, Richmond only has AT&T. The Bard Building tower in Fitzwilliam has US Cellular and AT&T. The Pinnacle Tower in Fitzwilliam has one carrier, T-Mobile. Hamilton's point that ITW claims that all the carriers are on top of the towers using 1900 MHZ but according to her research they aren't on the towers so how can they use 1900 MHZ?

Hamilton discussed the September 9, 2020 ZBA meeting where it was stated that no carriers were lined up yet. Her opinion was that there was discussion on a 175' structure not a cell tower. Hamilton's opinion is that the town is giving the OK to build a 175' lightning rod putting her home and the forest in danger of fires. Stated at the same meeting by Mr. Grill that her family would have no view of the tower to best of their knowledge. She questioned a balloon test to prove they wouldn't have a view of the tower from their home.

Hamilton discussed the Wetland delineation and that it might be inaccurate. She finds it interesting that in the summer their property is green and growing and the applicant's property is brown and killed off by something. She made the accusation that a person in the applicant's position could alter the landscape to conform with the setbacks. She stated why would a member of the Conservation Commission want to put two wetlands at risk, their purpose is to protect nature and natural resources.

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Hamilton felt that not keeping the roadway open in the winter is a big mistake. She talked about a possible emergency and the driveway being blocked by customers and ITW not being able to get in with the road unplowed. Hamilton stated that the retail business was already posting for people to wait to come into the area due to overcrowded parking. On September 10, 2020 The Windswept View Christmas Tree Farm posted they will be regulating parking when it's full and not allow anymore in until others leave. They suggested driving around the neighborhood and returning. Hamilton considered this to be congestion.

In closing Hamilton asked that the Board consider all of her points, follow the town ordinance, consider the recommendation from the Commission to study 5G and make ITW follow the recommendation.

Susan Taylor 323 Fitzwilliam Road, Richmond asked for the floor.

Taylor wanted to clarify that the notice was posted on the website dated September 10th was posted due to covid and the farm wanting to limit the number of customers on the property at one time.

Jeff Taylor 323 Fitzwilliam Road, Richmond asked for the floor.

Taylor (applicant) wanted to state that their busy season is usually 6-8 weeks starting on Thanksgiving weekend. They employ 3 staff members and the road is always open to the top of the hill. It is never blocked.

Eric Duda asked for the floor.

Duda reviewed the application and wanted to do a recap of what has already been covered.

1. Advertisement by State Statute
2. Zoom
3. Fall Zone
4. Research ITW
5. Proportion maps (technical) were discussed.
6. Number of conditions (2 from ZBA)
7. Tree issue addressed
8. Wetland issue addressed
9. Screening addressed

Doug Smith asked for the floor

He asked ITW if the wetland delineation was done by a State certified wetland scientist.

Delaney said yes, both times and both came back with the same information.

Attorney Hoppock explained that the cell tower has a separate Zoning Ordinance of its own which allows them to apply under that ordinance and not under Commercial or Light Industrial. This was addressed at the ZBA hearing in September. Hoppock added that the paving of the road isn't required, this is a private access from a State Highway, the paving would pertain if this was from a town road.

Susan Harrington asked for the floor.

Susan wanted to clarify that the hearing was posted for this evening on the calendar located on the town website. If you click on the event it will tell you more about the event. Hamilton tried to click but had no results.

Posting on the Town website is not a requirement according to the State Statute.

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Attorney Grill asked to take the floor.

Attorney Grill mentioned that most of Hamilton's questions were vetted at the Zoning Board of Adjustment Hearing in September.

Attorney Grill continued that ITW retains insurance to cover any catastrophic events and they will handle claims.

Attorney Grill answered Hamilton's concern on congestion. Once the construction is done the facility is not maned by anyone. There may be a person going in once or twice a month to check on the facility. There will not be people going in and out on a regular basis and no heavy equipment. The paving of the roadway going in was addressed by Attorney Hoppock.

Attorney Grill mentioned at this time it's his understanding the Hamilton's removed some trees that were cut after the ZBA decision. He was curious why a family so concerned that the proposed tower would be visually seen from their home that they would have trees removed from their property? ITW still feels that with the trees gone the Hamilton's will not be able to visually see the proposed cell tower.

Balloon test was asked of the ZBA but a motion and vote were never taken.

The Planning Board will do a site walk to view the 80 X 80 facility with the fenced in area of 100 X 100 with 8-foot chain link fencing. All areas have been flagged and they are ready for a site walk.

Kevin Delaney asked for the floor.

Delaney wanted to add that the ice falling will stay within the 100 X 100-foot area. The ice ridge protects the equipment within the fenced area.

Delaney added that ITW carry their own insurance but each individual carrier will also carry their own insurance.

Delany continued stating that the Ice break referred to on the application was discussed, Delaney said that the ice break is put in place to protect the wires. The fiberoptics can received damage from falling ice as the tower is designed to have ice fall inside the tower's 100 X 100 fenced in area creating more of a hazard for the wires.

Eric Duda asked for the floor.

The sheriff's department has a 20 min. response time and the Town of Richmond contracts the Sheriff's Department under these circumstances would a space on the tower be free to them.

Delaney said no they cover a very large area and are county not local.

Delaney went on to say the excavation permits haven't been applied until ITW has all their approvals in place. He went on to say that geological tests would be done and the results would be provided to the Town of Richmond with details.

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Chairman Maillet asked if there were any more comments from the floor with no response. Maillet asked if there were any more comments from the board with no response. At this time Maillet ask for a motion to close the public hearing.

Motion made by Seth Reece to close the public hearing. Seconded by Doug Bersaw. All in favor. None opposed. No abstentions. Motion carries.

Motion was made by Seth Reece to continue the deliberations and set up a site walk for the board. Seconded by Jed Butterfield. All in favor. None opposed. Motion carries.

Discussion on the site walk. The applicants would prefer not having the public attend. The board discussed days that a few members would be available to meet for a site walk and bring information back to the board for discussion. It was decided to meet on Wednesday December 9, 2020 at 7:00 AM at 323 Fitzwilliam Road.

All other business of the board was tabled and Seth Reece made a motion to adjourn the meeting. Seconded by Doug Smith. All in favor. None opposed. Motion carries.

1. **Mail:**
2. **Minutes November 17, 2020:**
3. **Proposed Zoning Ordinances Ballot 2021:**
4. **Other:**

Meeting adjourned at 9:45 PM.

Respectfully submitted,

Kandace Mattson